

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LINDA JOYCE SUMNER,

Plaintiff,

Case. No. 6:23-cv-714-MC

v.

JUDGMENT

MARK KINCAID, et al.,

Defendants.

MCSHANE, Judge:

Pro se plaintiff seeks leave to proceed *in forma pauperis* (IFP). This court has discretion in deciding whether to grant *in forma pauperis* status. See *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). To qualify for *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims the litigant seeks to pursue are not frivolous. 28 U.S.C. § 1915(a)(1), 1915(e)(2)(B)(i); *O'Loughlin*, 920 F.2d at 617.

The Court is unable to make out any valid federal claim. Plaintiff's handwritten compliant is largely illegible. In the civil cover sheet, Plaintiff notes this is a "malpractice"

action in the “cause of action” section. ECF No. 1-1. Additionally, in the “nature of suit” section, Plaintiff checked the box for “personal injury - medical malpractice.” ECF No. 1-1.

Federal courts are courts of limited jurisdiction. The Court is unable to make out an federal claim. Additionally, the Court does not have diversity jurisdiction over this action. All parties appear to be residents of the state of Oregon. All parties have addresses in Lane County, Oregon. Plaintiff provides an address in Lane County, Oregon. Although Plaintiff notes her state of residence is Georgia, she bases this belief on the fact that her father was a warden and deputy sheriff there in his early 50s. ECF No. 1, 3. But where her father may have worked decades ago does not determine Plaintiff’s citizenship. Because all parties appear to be citizens of Oregon, this Court lacks diversity jurisdiction. As the complaint fails to state a federal claim, and as this Court lacks diversity jurisdiction, it must be dismissed. 28 U.S.C. § 1915(e)(2).

To the extent Plaintiff seeks to bring this action, she must bring it in state court.

IT IS SO ORDERED.

DATED this 24th day of May, 2023.

/s/ Michael McShane
Michael McShane
United States District Judge